

# Montana and the Sky



Vol. 36, No. 4

MONTANA AERONAUTICS DIVISION

April 1985

## AVIATION LEGISLATION PASSES

As with most legislatures, the 1985 session is coming to a close with the old axiom "win a few - lose a few" still intact as far as aviation is concerned. Bills submitted by the Department of Commerce on behalf of aviation did very well, with all five having passed. Legislation affecting aviation but sponsored by other groups did not fare as well.

The following is a brief run-down of what happened to aviation during the 1985 session. The first five bills listed - those marked with an asterisk - were submitted by the Department of Commerce. The rest were sponsored by other groups.

**\*HB 346** - To provide for a rebate on tax paid on auto fuel used in aircraft. It was amended during its passage through the system and now provides for  $\frac{1}{25}$  of 1% of money received for auto fuel tax to be deposited in the earmarked revenue account of the Aeronautics Division to be used solely to develop, improve, and maintain facilities open to the public at no charge and to promote aviation safety. It is estimated that the amount deposited to the Aeronautics account will amount to approximately \$25,000.

**\*HB 419** - To repeal 67-3-221 which required air and ground instructor licensing by the Aeronautics Division. This passed the legislature and was signed by the Governor.

**\*HB 420** - To increase airport license fees to an amount equal to the cost of licensing but not to exceed \$1,000. The airport licensing fees are now moot with the passage of HB 354 (airport license repealer). However, the remainder of the bill remains intact, which makes consistent two statutes regarding aircraft and pilot registration fees of an amount up to \$10. This has passed both houses and is awaiting the Governor's signature.

**\*HB 421** - To provide workers' compensation for search and rescue volunteers. This bill has been passed and signed by the Governor.

**\*HB 423** - To make lawful the landing of aircraft on public roadways and waters. This has passed both the House and Senate and is awaiting Governor's signature.

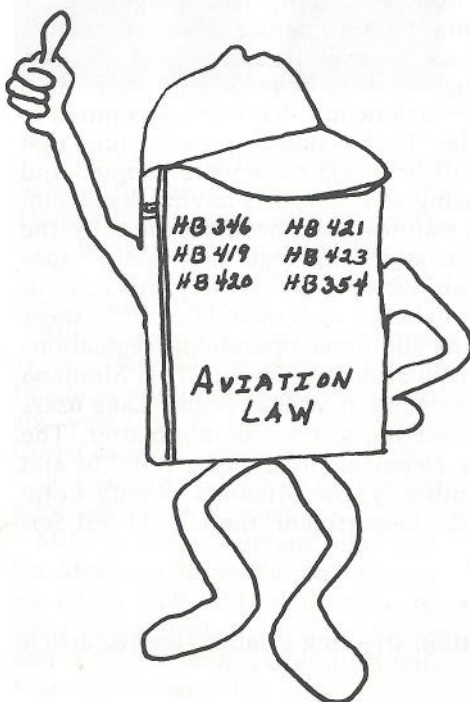
**HB 224** - To provide \$1.7 million of long-range building program bond funds for airport improvement projects authorized by the U.S. government for funding from the Aviation User Trust Fund through the Airport Improvement Program administered by the FAA. At this writing this bill had passed the House and been referred to the Senate committee.

**HB 354** - To repeal 67-3-301 which required airport licensing by the Aeronautics Division. This has passed both houses and been signed by the Governor.

**HB 822** - To increase the aviation fuel tax by 2 cents per gallon. This bill was amended to provide that the portion paid by the airlines be used on the airports they serve and also provided for a rebate to the airlines. It passed the committee and then was killed on the floor of the House.

**HB 839** - To provide for a license in lieu of property tax on aircraft. The House committee was unable to agree, the bill was sent to the House floor without benefit of committee recommendation, and it was killed on the House floor.

**SB 405** - To provide a statewide one-mill property tax levy to be used for airport improvement and navigation aids. This bill was killed in committee.





# Administrator's Column

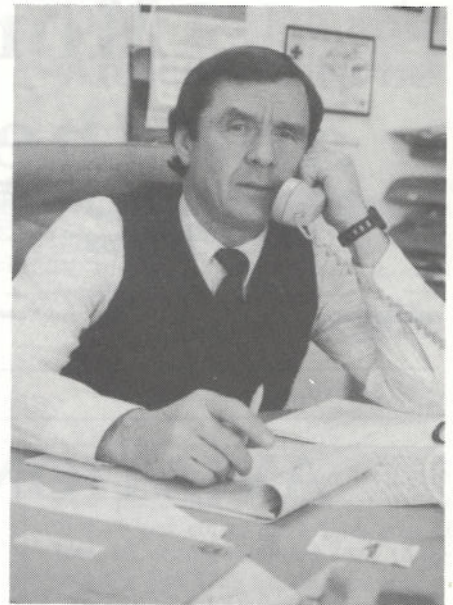
**Underground Storage Tanks.** In our September 1984 issue of *Montana and the Sky*, I talked about pending federal legislation which would impose strict regulations on underground storage tanks. This has since passed and is now public law 98-1133. What this generally means is that the Environmental Protection Agency will be required to complete a study of underground storage tanks by November 1985. The purpose will be to gain information to determine leakage probability and to analyze existing leak detection, inventory control, and tank testing systems. The EPA will use this information to develop regulations. The states must adopt their own tank regulations, which must be no less stringent than the EPA's; however, they may be identical to the EPA's. The EPA must also set standards that cover soil compatibility, leak detection, design, and construction by February 1987. All underground tanks (including private) in service must be registered by November 8, 1985. If the tanks are not in service but in the ground, they must be registered by May 8, 1986. If the tanks were not in service prior to January 1, 1984, they do not need to be registered. The governors of each state must delegate the responsibility of this public law to a state agency by May 8, 1985. It is my guess that the Department of Health and Environmental Sciences and/or the Department of Agriculture will be the likely agency(s) selected by Governor Schwinden for Montana. These two agencies are now responsible for the toxic waste regulations and enforcement. Violations are very stiff. Any offense or violation could cost as much as \$10,000; and failure to comply with an order to correct a violation could cost up to \$25,000. Once cited with an order, failure to comply could constitute a new offense for each day of non-compliance. We will try to stay abreast of this issue and keep you informed.

\* \* \* \* \*

**Seeley Lake.** Judge Loble ruled against the Seeley Lake Homeowners Association upon completion of the show cause hearing held in Helena District Court on April 9, 10, and 11, 1985. The Homeowners Association brought the action against the Department of Commerce, Aeronautics Division, charging that nothing had been done to comply with Judge Loble's August 2, 1984, writ of mandate ordering the Aeronautics Division to begin licensing airports. The Homeowners Association attorneys were also asking that their legal fees from August 2 through April 11 be paid. The court found no evidence to show that nothing had been done nor that there was intent to do nothing to comply with the court order. To the contrary, it was found that much has been done and, in fact, airport licensing rules were adopted and licensing has actually begun with licensing of 11 airports having been completed. Although the airport licensing statutes have been repealed by the 1985 legislature, there is still much to be addressed regarding safety issues surrounding boat/seaplane operations on Seeley Lake. Nearly five days of hearings were held to gain facts in order to better understand the seriousness of the issues and to determine what, if any additional operational regulations need to be implemented to insure boat/seaplane safety. The Montana Aeronautics Board has invited several agencies as well as Seeley Lake users to attend their April 26, 1985, Board meeting to discuss this matter. The agencies invited include the Montana Department of Fish, Wildlife and Parks, the Missoula County Airport Authority, the Missoula County Commissioners, the Missoula County Sheriff's Department, the U.S. Forest Service, and the FAA.

\* \* \* \* \*

**Legislation.** For an update on legislation affecting aviation, see the article elsewhere in this publication.



Montana and the Sky  
USPS 359 860  
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Official Monthly Publication  
of the  
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**MONTANA AND THE SKY** is  
published monthly in the interest of  
aviation in the State of Montana.  
Second-Class postage paid at  
Helena, Montana 59604  
Subscription \$2.00 per year  
Editor: Martha E. Kurtz

**"POSTMASTER:** Send address  
change to Montana and the Sky,  
Box 5178, Helena, Montana  
59604."



## ADMINISTRATOR'S COLUMN — Continued

**Regional Airport Authorities.** I recently received a letter from the North Dakota Secretary of State with an enclosed Senate Concurrent Resolution in which the North Dakota Senate and House of Representatives are urging the Montana legislature and Governor Schwinden to enact legislation that would authorize participation in and operation of regional airport authorities across state lines. The resolution was also sent to the governors of Minnesota and South Dakota and their respective legislatures.

### Big Sky Aviation Completes First Year

Big Sky Aviation, a division of Big Sky Airlines, has completed its first year as an FAA certified repair station. Big Sky Aviation specializes in the maintenance, repair, and modification of the Garrett TPE 331 series engines - the same engines the parent company, Big Sky Airlines, operates on their Fairchild Metro II.

"We have accumulated over 50,000 hours of experience operating the TPE 331 engine," says Kevin Prophet, director of maintenance. "Our airline operation has employed a staff of factory trained mechanics for several years and has the special tooling required to perform hot-section and gearbox inspections. We decided to broaden our span of operations and share our knowledge and experience with other operators of the TPE 331 engines."

Other services offered by Big Sky Aviation include complete nickel-cadmium battery preventive maintenance. Three of their mechanics have attended special schools in Houston to learn the proper care and maintenance of these batteries. To accomplish battery maintenance, a battery analyzer was acquired to compliment the trained technicians. The battery analyzer is also equipped to perform individual cell capacitance checks, a requirement for batteries used in helicopters.

Big Sky Aviation is located in the west end of the Corporate Air hangar at Billings Logan Field.

### Morrison Joins FSDO Staff



Mike Morrison is a new Aviation Safety Inspector assigned to the Helena Flight Standards District Office. He has been an air traffic controller for the past two years at the Great Falls tower.

Mike is a graduate of the University of Notre Dame with a B.S. in business administration. He served six years with the U.S. Marine Corps as a helicopter pilot and flew four years in Helena as an air taxi pilot and flight instructor.

Mike is also a current pilot with the Montana Army National Guard. He holds ATP, SEL, and MEL certificates for airplanes and helicopter and is CFI in both. He and his wife Mary Ellen have two sons.

## CALENDAR

**April 28-May 1** - NATA Convention and Trade Show, Las Vegas, Nev.

**April 28** - Fort Benton Fly-In and Air Show.

**May 19** - Aviation Day and Air Show, Sloulin Field, Williston, No. Dak.

**June 8** - Fly-In at Crystal Lakes Resort. Phone 882-4455 for reservations.

**July 19-21** - Schafer Meadows Fly-In.

**July 19-21** - Kalispell Fly-In.

**July 26-Aug. 2** - EAA International Fly-In Convention, Oshkosh, Wisc.

**July 27** - Hamilton to Jackpot Air Race.

**Aug. 2-4** - MAAA Fly-In, Three Forks. Contact Bud Hall at 586-3933.

**Aug. 4** - Missoula Air Show.

**Sept. 7** - Fly-In at Crystal Lakes Resort. Phone 882-4455 for reservations.

**Sept. 13-15** - Mountain Search Pilot Clinic, Kalispell.

**Oct. 4-6** - Montana Flying Farmers Convention, Glacier Hotel, Cut Bank

**Oct. 5** - Great Falls to Jackpot Air Race.

### Williston to Hold Air Show

Montana pilots are invited to attend the Aviation Day and Air Show to be held May 19 at Sloulin Field in Williston, North Dakota.

The day will begin with a fly-in breakfast from 7:00 a.m. to noon. Civilian and military aircraft from the U.S. and Canada will be on static display.

The three-hour air show, beginning at 2:00 p.m., will feature the two-time women's aerobatic champion, Betty Stewart.

For further information call Jery Olson, assistant airport manager, at Williston, 701-774-8594



## CONFERENCE ADDRESSES SUMMARIZED

Montana was fortunate in being able to arrange for very special guest speakers for concurrent sessions, panels, and luncheons and dinners during the Statewide Aviation Conference in Great Falls March 7 - 9. Following are short summaries of the addresses made by the luncheon and dinner speakers.



### SHEA

At the luncheon on Friday, Bill Shea, Associate Administrator of Airports for the FAA out of Washington, D.C., reported that the nation's aviation industry is growing and that general aviation is recording increased sales. He noted that this trend is putting new demands for improvement on an already excellent airport system and that new airports - both public and private use - are being built every year. With the new types of aircraft, a broader role in civil aviation, and new technology, the airport system is having to adjust to these new realities. He reported that a record \$9.4 million had been spent in federal grants in Montana last year.

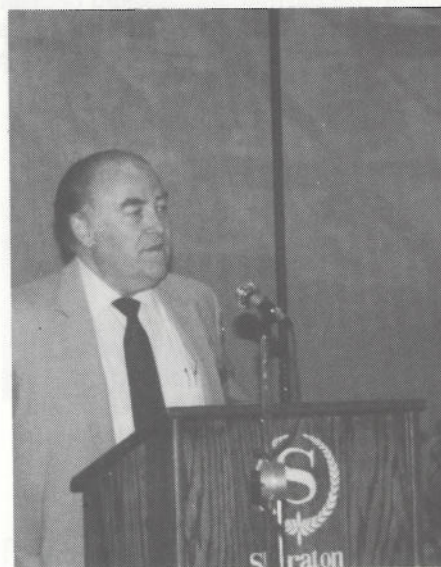


### BURIAN

Participants at the dinner on Friday evening heard Lawrence Burian, president of the National Air Transportation Association, touch on some of the major concerns being faced by the aviation industry. Those concerns were: 1) the ability of pilots to gain access to the nation's airports and air system; 2) new IRS rulings on fringe benefits which are a serious threat to aviation and business in the U.S. and which have already dried up some aircraft sales; 3) the total absence of minimum standards setting the "rules of the road" as to how a general aviation tenant conducts his business on the airport with too many airport executives who take the establishment of such standards too lightly and fail to realize that the FBO is the backbone of the industry; and 4) another raid being attempted on the Aviation Users' Trust Fund by the FAA.

Burian noted that in the 1960s there were 600 air carriers - today there are only 200. General aviation is on the leading edge of change - it is the front door to the communities. It is the responsibility of those involved in aviation to change the perception of the people who are not necessarily a part of the aviation industry. He quoted Gen. Billy Mit-

chell who said, "To measure the heartbeat of a city, take the pulse of her airport."



### CLAUSEN

The aviation and space education movement is taking roots in the schools all over America, according to Congressman Don Clausen. Clausen is director of Aviation Education for the FAA in Washington, D.C. For a number of years it was the perception that all was going well in education. There has, however, been a dangerous declining achievement trend in education. Cycles of educational crises seem to come and go, and another crisis in science and math education is challenging the schools. This is an information age economy which requires technical training in science and math. There are teacher shortages because there has been little incentive for them.

The relationship of all this with aviation is in the areas of electronics and communication - technology is changing aviation. Teacher workshops on aviation and space expose them to the excitement of aviation and motivate them and encourage them to recognize the importance of science and math. It is necessary to stop the institutional isolationism so that business, educa-



tion, and government work together. It is time to stop harassing teachers and start supporting them. We must open our eyes to the problems of a changing world and prepare our young people to meet that challenge. The people in aeronautics and space can lead the way.

"You can forgive a child for being afraid of the dark - the tragedy is when grown men and women cannot see the light."



#### BAKER

Featured banquet speaker was John Baker, president of AOPA. According to Baker, general aviation represents 98% of the aircraft in the country, but most of the people who don't fly perceive the airlines as the important part of aviation. The aviation community has forgotten the people who are not directly involved in aviation. General aviation is the portion of aviation which gives the country's transportation system its network capability.

Every community has a vested interest in seeing that the productive people produce. In order to do that, they must have the commodity of time - and the airplane buys that time. But the price of general aviation aircraft has gone up drastically as the sales have gone down. In 1979 the average price of a new machine was \$100,000. Last year the average price was \$780,000. The

impact on the pilots of liability insurance is unbelievable. Cessna, for instance, adds \$24,000 to the price of every airplane for liability insurance. Many aircraft manufacturers are getting out of the business or being taken over. Over the last 10 years, we have lost 16% of the public use airports in the country.

There is strong national interest in keeping the airport system intact. Baker reminded the group that they represent one of the largest political resources in this country. By working together, many of the problems facing aviation can be solved.

## FAA Appoints Weather Coordinators

In recognizing the critical factor weather plays in aviation safety, the Northwest Mountain Region of the FAA has established a goal of improving the quality and availability of aviation weather information. Special emphasis will be focused on weather observations and dissemination of that information.

Accordingly, the FAA has designated state aviation weather coordinators in each state and established guidelines to maintain quality control of aviation weather information in the Northwest Mountain Region.

The Great Falls Flight Service Station has been designated the aviation weather coordinator for Montana. Among the duties of that station are: act as local aviation weather coordinator for all FAA facilities in the state; maintain liaison with state and local governmental agencies to determine the adequacy of current or programmed weather products for users; maintain liaison with federal agencies within the state to determine changes in their programs that may be used to support aviation weather programs; evaluate the quality and adequacy of surface weather obser-

vations within the state; identify locations where there is significant air traffic activity but with inadequate weather reporting facilities; evaluate communications, equipment, and methodology of processing and disseminating weather products within the state; and insure that weather product or program changes data are made available to users or agencies.

The order also directs air traffic facilities that receive and relay weather reports to take an active role to obtain these observations by contacting observers if scheduled reports are not regularly forwarded for dissemination. Air traffic facilities are also to maintain an awareness of the requirement for a sufficient aviation weather reporting network and report deficiencies to the appropriate state aviation weather coordinator.



## Yellowstone Airport to Open June 1

The Yellowstone Airport will officially open on June 1 this year.

The Airport offers easy access to Yellowstone National Park, Hebgen and Henry's Lake, and the surrounding wilderness areas.

The very popular pilots' campground, located immediately adjacent to the tiedown area, will again be available (it's free!!). The campground also offers a group campsite for fly-ins.

For more information call the Aeronautics Division office at 444-2506 or call Yellowstone Airport (after May 1) at 646-7631.



## FAA Issues Certificates

### PRIVATE

Thomas Ogle ..... Kalispell  
 Perry Birky ..... Kalispell  
 Greg May ..... Joplin  
 Jimmy Pimley ..... Joplin  
 Alan Keil ..... Conrad  
 John Van Helden ..... Manhattan  
 Erik Eliel ..... Dillon  
 Steven Dahlman ..... Power  
 Victor Janushkowsky ... Great Falls  
 Kenneth Rice ..... Lavina  
 Terry Wubben ..... Three Forks  
 David Bock ..... Helena  
 Carol Bock ..... Helena  
 Ann Seeberger ..... Helena  
 Susan Patch ..... Wolf Point  
 Elvin Vine ..... Wolf Point  
 Marvin Teel ..... Wolf Point  
 Ronald Lineweaver .... Inverness  
 Hudson Garvin ..... Missoula  
 Charles Lien ..... Three Forks  
 John Scribner ..... Silver Bow  
 Richard Nickelson ..... Florence  
 Michael Sasich ..... Billings  
 April Carr ..... Gardiner

### COMMERCIAL

Timothy Graff ..... Helena  
 Helicopter  
 James Binger ..... Big Arm  
 Helicopter  
 Steve Rose ..... Big Sandy  
 James Rubie ..... Missoula  
 Dale Hovdey ..... Missoula  
 Michael Rees ..... Missoula  
 Balloon  
 Stephen Romines ..... Billings

### INSTRUMENT

Timothy Graff ..... Helena  
 Helicopter  
 Junior Conger ..... Missoula  
 Joel Fenger ..... Chester  
 Patrick Herrig ..... Bozeman  
 Donald Misevic ..... Missoula  
 Dale Hovdey ..... Missoula

### MULTI-ENGINE

Donald Anderson ..... Billings  
 Michael Roy ..... Florence  
 Robert Bentley ..... Great Falls

### ATP

William Corbin ..... Bozeman

### INSTRUCTOR - INSTRUMENT

Kirk Hohenberger ..... Billings  
 Dallas Lavy ..... Hamilton  
 Lonnie Roberts ..... Hamilton  
 Daniel Paulson ..... Missoula  
 Robert Bentley ..... Great Falls

### INSTRUCTOR

Randal Siemens ..... Whitehall

### INSTRUCTOR RENEWAL

Richard Burger ..... Helena  
 Russell Hamer ..... Helena  
 Gregory Mecklenburg ... Bozeman  
 Rory VanDeKop ..... Cut Bank  
 Simon Bronson ..... Billings  
 William Corbin ..... Bozeman  
 Daniel Darkenwald ..... Billings  
 Brian Schwend ..... Rosebud  
 George Wetherell ..... Butte  
 George Brian ..... Poplar  
 Clayton Vine ..... Wolf Point  
 Fred Hasskamp ..... Helena  
 Robert Justesen ..... Belgrade  
 Thomas Gibson ..... Billings  
 Robert Van Meter ..... Whitehall  
 William Sheets ..... Big Sandy  
 William Abel ..... Lewistown  
 Delbert Schwaderer ... Stevensville  
 Raymond Brennan ..... Great Falls  
 William Colman ..... Fort Benton  
 Vernon Turner ..... Lincoln  
 Ronald Guyton ..... Helena  
 John Novak ..... Billings  
 Robert Holman ..... Kalispell  
 Edward Chinske ..... Havre  
 Timothy Dwyer ..... Havre  
 Rodney Herrig ..... Havre  
 William Rahn ..... Livingston  
 Merrill Percy, Jr. .... Miles City

Leo Dutton ..... Sand Springs  
 Jack Wilson ..... Helena  
 Gordon Flint ..... Cut Bank  
 Mart Cox ..... Billings  
 Patricia Dower ..... Butte  
 Franklin Kummerfeldt ... Nashua  
 Thomas Marchwick ..... Belgrade  
 James Morris ..... Dillon  
 Sage Olson ..... Billings  
 Donald Anderson ..... Billings  
 Leland Lareva ..... Billings  
 Dale Sanford ..... Laurel  
 Harold Matovich ..... Billings

### WINGS

#### Phase I

Sherrie Breese ..... Lincoln

### WINGS

#### Phase II

Daryl Parker ..... Lincoln

## Great Falls Gets Examiner

John Rasmussen of Falcon Aviation in Great Falls has been designated as an FAA Written Examiner for the Great Falls area by the FSDO in Helena. Great Falls has been without a written examiner for almost two years, and John is very pleased with not only his appointment but with the fact that Great Falls is able to offer both FAA flight checks and written exams.

## MOVING???

Each time a newsletter must be returned to us because of a wrong address, we pay the post office 25\*. Returning charts and directories costs us even more. If you are moving, please take a little time to fill out the form below and mail it to us. It'll save both time and money!

NAME(Please Print) \_\_\_\_\_

NEW ADDRESS \_\_\_\_\_

NEW PHONE NUMBER \_\_\_\_\_



## Safety Notes

By: *Fred Hasskamp, Chief  
Safety and Education Bureau*

The FAA Office of Aviation Safety recently released a statistical summary of near mid-air collisions. According to the FAA, the number of near misses (reported) decreased from 568 in 1980 to 286 in 1983. They most frequently occur from May through August and 90% of the reported incidents involve at least one general aviation aircraft. (GA aircraft represent over 90% of the total U.S. aircraft.) They are most prominent in cases where one pilot is flying IFR and the other VFR and generally occur at an altitude of 1,000 to 5,000 feet. They usually do not involve weather as a causal factor and involve violation of FARs approximately 15% of the time and controller error only about 5%, leaving 80% of all near misses with no fault suggested.

The potential for mid-air collision is very real, even in sparsely populated areas of the west. Consider the military low-level training that is being conducted and the impact on low level general aviation operations.

This past summer a Montana spray pilot reported "being able to count the rivets" on an F-111 while turning around to make another pass on a field he was spraying! And there have been others. FSS should be contacted for information concerning times, altitudes, and locations of military operations. Low flying aircraft are extremely difficult to see when not silhouetted against the sky, especially if camouflage in color and traveling at high speed.

Airports having an instrument approach but no control zone provide another situation where VFR flight is legal when flying below 700 AGL with one mile visibility and clear of clouds. (Magenta color on sectional and WAC charts indicates controlled airspace above 700 feet AGL and blue indicates the floor of controlled

airspace 1,200 feet above the surface.)

Picture a pilot in the traffic pattern VFR and a pilot landing IFR - both legal at the same airport and unknown to each other unless both happen to be on the same radio frequency with position reports. (Unicom frequency in these cases would be appropriate.)

A mid-air collision could occur almost anywhere. The old rule - "See and Avoid" - pertains to all pilots, even when on an IFR flight plan in VFR conditions - even in marginal VFR.

## FIRC HELD IN HELENA

By: *Fred Hasskamp, Chief  
Safety and Education Bureau*

Fifty-six Montana flight instructors participated in this year's Flight Instructor Refresher Clinic. The clinic was held in Helena on March 22 - 24.

Twenty-four hours of classroom instruction was provided by Greg Gorak, GAITS Teaching Seminars.

It is interesting to note that the first Flight Instructor Refresher Clinic held in the United States was



**Greg Gorak addresses the flight instructors at the Clinic.**

in Montana and was sponsored by the Montana Aeronautics Commission.

Flight instructors are a very important part of the aviation community. Without properly trained student pilots, there would eventually be no aviation community. We can all promote aviation by encouraging and helping those interested in aviation to become pilots - no matter how young or how old.



**Flight instructors join for a problem-solving session at the FIRC. They are (from left) Terry Henderson, Sidney; Dale Palin, Polson; Delbert Schwaderer, Stevensville; Michael Schwartz, Florence; Gordon Flint, Great Falls; William Stewart, Dawson Creek, B.C.**



## Fort Benton Air Show Scheduled

The fourth annual Fort Benton Fly-In and Air Show will be held at the Fort Benton Airport on Sunday, April 28.

Activities will include a fly-in breakfast beginning at 9:00 a.m., aircraft static displays, rides, spot landings, and flour bombing contests. Highlight of the day will be an aeronautical demonstration featuring the Northern Knights.

For more information call James Gottfried at 734-5435.

## Trust Fund Exceeds \$7 Billion

According to Business Aviation, the Airport and Airway Trust Fund had a balance of just over \$7 billion at the end of calendar year 1984. This is the first time in the 14-year history of the trust fund that the balance has exceeded that level.

Money is deposited into the fund from airline ticket taxes and federal aviation fuel taxes. The Trust Fund is used for federal grants through the Airport Improvement Program. There has been an attempt to raid the Trust Fund for operations and maintenance budget for the FAA. This effort is being resisted by national aviation groups.

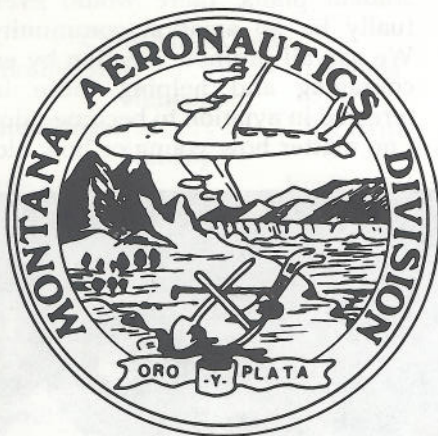
## Deer Lodge and Anaconda to be Closed

The airport at Deer Lodge will be closed for construction as of April 22. Anaconda will close on April 29. Both of these closures will be in effect until further notice.

2,500 copies of this public document were published at an estimated cost of \$.26 per copy, for a total cost of \$660.10, which included \$521.10 for printing and \$139 for distribution.

### MEMBER NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS

PURPOSE—"To foster aviation, as an industry, as a mode of transportation for persons and property and as an arm of the national defense; to join with the Federal Government and other groups in research, development, and advancement of aviation; to develop uniform laws and regulations; and to otherwise encourage cooperation and mutual aid among the several states."



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April 1985

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